

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORACLE AMERICA, INC.,

No. C 10-03561 WHA

Plaintiff,

v.

GOOGLE INC.,

**REQUEST FOR RESPONSE RE  
FOURTH FAIR USE FACTOR**

Defendant.

By **MONDAY AT NOON**, both sides shall please submit a memo assisting the Court with the legal issue of whether the fourth fair use factor, which considers “the effect of the use upon the potential market for or value of the copyrighted work,” focuses on the potential market for or value of the copyrighted work itself as opposed to uncopyrighted hypothetical products that might have included elements of the copyrighted work in an alternate universe.

Put differently, under the law, does the fourth factor focus on the impact of Android’s use of the structure, sequence, and organization of the 37 API packages on what Java 2 Standard Edition 1.4 or Java 2 Standard Edition 5.0 could be sold for in the market place? Please also summarize the specific evidence that will be presented on this specific question.

Please do **NOT EXCEED TEN PAGES** (no footnotes or attachments).

Dated: April 6, 2016.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE